UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	X	
	X	
v.	X	CR. NO. H 10 - 306S
	X	
ZARICK BANARD SHIVERS	X	
BENNIE RAY HAWKINS, JR.	X	

AGREED MOTION FOR CONTINUANCE OF TRIAL

COMES NOW the United States of America, by and through Jose Angel Moreno, United States Attorney, and Kenneth P. Dies, Assistant United States Attorney for the Southern District of Texas and counsels for the defendants, Melissa Martin and Ali Fazel, along with their respective defendants, Zarick Banard Shivers and Bennie Ray Hawkins, Jr., and file this Agreed Motion for Continuance of Trial, respectfully advising this Honorable Court that:

I.

Currently, the case against Bennie Ray Hawkins, Jr. was joined to that of the lead and fugitive defendant, Donal Monta Amerson and one remaining, originally indicted defendant, Zarick Banard Shivers, by Superceding Indictment of September 27, 2010.

The case is now set for a Pretrial Conference on January 10, 2011 at 2:30 p.m. and trial on January 19, 2011 at 9:00 a.m.

II.

The United States and the defendants through their respective attorneys filed and the court approved an Agreed Motion to Designate the Case as a Complex One removing the case from a ‘speedy trial’ status..

Because the case investigation, indictment and related discovery in this criminal case involves evidence from numerous searches and/or seizures, hundreds of pages of telephone records of the lead and fugitive defendant, hundreds of pages of reports and documents, as well as more than a hundred physical exhibits acquired, prepared and accumulated as 'discovery materials' and potential trial exhibits, the Attorneys will need considerably more time than that which exists between now and the trial date of January 19, 2011.

As a result of conferences with the attorneys for the remaining defendants, we are in agreement that all parties need more time for discovery, to effectively prepare motions for filing and evidentiary hearings and trial.

III.

Therefore, in accordance with various provisions of 18 USC 3161 of the Federal Code of Criminal Procedure, the United States, counsel for the Defendants and the Defendants in this cause respectfully request this Honorable Court to grant our agreed motion for continuance of the current trial setting of January 19, 2011 for at least ninety (90) days.

WHEREFORE, premises considered, all parties join in respectfully requesting this Court to grant the Agreed Motion for Continuance of Trial and to reset the case accordingly and to issue a new Scheduling Order.

Respectfully submitted,

JOSE ANGEL MORENO
United States Attorney

By: /s/

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CERTIFICATE OF CONFERENCE AND SERVICE

I certify that a true and correct copy of AGREED MOTION FOR CONTINUANCE OF TRIAL has discussed before this the 5th day of January, 2011, and agreed to by the attorneys and defendants listed below on January 4, 2011..

/s/
KENNETH P. DIES
Assistant United States Attorney

Melissa Martin
Attorney for Zarick Shivers

Ali Fazel
Attorney for Bennie Hawkins, Jr.